IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.M. No.28430-M of 2007

Date of Decision: 22.5.2007

Jaswant Singh

....Petitioner.

Versus

State of Punjab and others.

...Respondents.

Present:- Mr.Nakul Sharma,Advocate
for the petitioner.

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S.S.SARON, J.(ORAL)

Learned counsel for the petitioner has produced on record thumb marked photostat copy of the application dated 11.4.2007 (Annexure P-2). He has also shown the postal receipt dated 11.4.2007 addressed to SSP Ferozepur. The thumb marked photostat copy of the application dated 11.4.2007 is taken on record.

This petition has been filed under Section 482 Cr.P.C. for issuance of directions to respondents No.1 and 2 to hold an inquiry in respect of the complaint dated 11.4.2007 (Annexure P2) filed by the petitioner and after inquiry to register a criminal case against respondents No.3 to 5 and further for issuance of directions to respondents No.1 and 2 to protect the life and liberty of the petitioner and his family members from respondents No.3 to 5. A further prayer has been made for issuance of directions to respondents No.1 & 2 for taking action against Major Singh, SHO, P.S. Makhu (respondent No.3), who it is stated has kept the son of the

petitioner in his illegal custody on 11.4.2007 so that respondents No.3 to 5 can put pressure on the petitioner. An alternate prayer has been made for directing the respondents No.1 and 2 to decide the representation Annexure P2 of the petitioner in accordance with law and to take further steps for ensuring the safety of the petitioner from respondents No.3 to 5.

During the course of hearing learned counsel for the petitioner has referred to the judgment dated 4.10.2006 (Annexure P1) passed by the learned Additional Civil Judge (Sr. Divn), Zira, in a suit filed by the petitioner for permanent injunction for restraining the defendants therein from forcibly and illegally recovering any amount from the plaintiff with the help of police by adopting any coercive method or third degree method. The suit filed by the petitioner was decreed with costs in his favour and the defendants therein were restrained from recovering any amount from the plaintiff forcibly and illegally with the help of police by adopting any coercive method or adopting third degree method and except otherwise in due course of law.

Learned counsel for the petitioner has submitted that despite the judgment and decree dated 4.10.2006 passed by the Addl. Civil Judge (Sr. Divn), Zira, the respondents are threatening and illegally recovering the amount. It is submitted that with the help of the police, respondents No.4 and 5 illegally detained his son in the police station.

After giving my thoughtful consideration to the entire matter in my view the petitioner has an alternative remedy of filing a criminal complaint. Besides in case the permanent injunction granted in his favour on 4.10.2006 (Annexure P1) is being breached or not being complied with,

the petitioner has a remedy in terms of Order 21 Rule 32 of the Code of Civil Procedure. This Court in exercise of its inherent jurisdiction under Section 482 Cr.P.C. is not to function as an Executing Court for executing the judgment dated 4.10.2006 (Annexure P1), passed in favour of the petitioner.

In the circumstances, the petitioner has an alternative remedy and it would be just and expedient that he in the first instance avails the said remedy.

For the fore-going reasons, no ground is made out to interfere in exercise of inherent jurisdiction of this Court under Section 482 Cr.P.C.

Accordingly, the criminal miscellaneous is dismissed.

(S.S.SARON)
JUDGE

May 22,2007
Reema